

Appln. No. 09/763,293
Amd. dated November 1, 2004
Reply to Office Action of June 30, 2004

REMARKS

The Office Action has been carefully reviewed. No claim is allowed. Claims 4-10, 14, 18-21, and 25-27 presently appear in this application and define patentable subject matter warranting their allowance. Reconsideration and allowance are hereby respectfully solicited.

Applicants acknowledge that indication by the examiner that the non-elected peptides pep1 and pep3 (SEQ ID NO:2) are rejoined.

The telephonic interview between the undersigned and Examiners Hamud and Mertz on October 28, 2004, is hereby gratefully acknowledged. The proposed amendments to claims 4, 18 and 21 to overcome the outstanding §112 rejections were discussed. Applicants agreed to amend claims 18 and 21 to delete recitation of "acute inflammatory disorders". It was also agreed that claim 4 would be amended to cancel the recitation of subpart (ix) directed to "multimers" and to amend subparts (i), (vi), (vii), and (viii) as presented in this amendment to overcome the §112 rejections and place the claims in condition for allowance.

Claims 4-10, 14, 18-21, and 25-27 have been rejected under 35 U.S.C. §112, first paragraph, because the examiner states that the specification, while being enabling for a method for the treatment of chronic inflammatory disorder, said method

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comprising administering to a subject the synthetic peptide of claim 4, does not reasonably provide enablement for a method for the treatment of "acute" inflammatory disorder. The examiner further holds that the instant specification does not enable a "multimer" which consists of a plurality of the same or different peptide of (i) to (viii). While applicants do not concede to the examiner's position, this rejection is made moot by the amendments to claims 4, 18 and 21 to delete the recitation of "acute inflammatory disorders" and "multimers" and advance prosecution.

Claims 4-10, 14, 18-21 and 25-27 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite. The examiner's suggestions have been adopted with regard to using the "consisting of" language in claim 4 subpart (i), and subparts (vi), (vii) and (ix) of claim 4 are now amended as discussed with the examiners. Claim 4 subpart (vi) is now directed to only amide derivatives of the C-terminal residues as supported in the specification at page 11, lines 27-29 and in Table on page 31 (peptides pep33 and pep42). The amendment to claim 4 subpart (vii) is supported by the specification on page 12. The amendment to claim 4 subpart (viii) is merely made to clarify that either two of the same peptide or a combination of two

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different peptides of peptides (i) to (vii) are covalently linked one to the other.

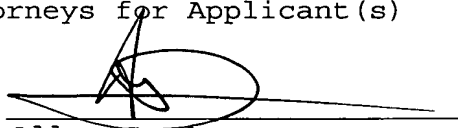
This rejection is now obviated by the amendments to the claims. Reconsideration and withdrawal of the rejection are therefore respectfully requested.

In view of the above, the claims comply with 35 U.S.C. §112 and define patentable subject matter warranting their allowance. Favorable consideration and early allowance are earnestly urged.

Respectfully submitted,

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By

A handwritten signature in black ink, appearing to be 'Allen C. Yun', is written over a horizontal line. The signature is stylized with a large loop and a long horizontal stroke extending to the right.

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